

## REMARKS

The Applicants hereby thank the Examiner for his useful comments in the outstanding Office Action. Replacement Informal Drawing Sheet 4/4 is herewith submitted which corrects informalities. Paragraphs 9, 10, 14, 17-21, 25, and 28-32 of the Specification are herein amended for informalities, antecedent basis, and consistency with the herewith filed Replacement Informal Drawing Sheet. Claims 1, 2, 7, 10, 11, 12, 17, and 20 are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the claims would have been allowable as originally filed. The remaining claims now subsume the features of their respective base and intervening claims. Accordingly, the Applicants respectfully assert that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested.

### **I. Objection to the September 3, 2003, Informal Drawings on the Grounds of Informalities.**

The Examiner has objected to the informal Drawings filed September 3, 2003. The Applicants hereby respectfully traverse the Examiner's ground for objection to the Drawings on this basis. The Applicants hereby submit that formal Drawings have been subsequently submitted on January 23, 2004, and respectfully request that these formal drawings also be considered by the Examiner. Nonetheless, the Applicants have herewith submitted Replacement Informal Drawing Sheet 4/4, under 37 C.F.R. §§ 1.121(d), 1.84(c), which is believed to be consistent with the herein amended Specification, now correcting informalities and indicating that elements 70 and 71 are not shown in the figures. Figures 6, 7, and 9 are herein amended by deleting the cross-sectional indications. Thus, the amended Drawing is believed to overcome these grounds for objection. Therefore, the Applicants respectfully request that these grounds for objection on this basis be withdrawn and that the herewith filed Replacement Informal Drawing Sheet 4/4 be accepted.

## II. Objection to the Specification on the Grounds of Informalities.

The Examiner has objected to the Specification on the grounds of informalities. The Applicants hereby respectfully traverse the Examiner's ground for objection to the Specification on this basis. Paragraphs 9, 10, 14, 17-21, 25, and 28-32 of the Specification are herein amended for informalities, antecedent bases, and consistency with the herewith filed Replacement Informal Drawing Sheet as well as for clarifying element 72 and for consistently indicating that elements 70 and 71 are not shown in the figures. No new matter has been introduced. The Applicants also respectfully request that the Examiner consider the Preliminary Amendment filed on November 13, 2003, as well as the Supplemental Preliminary Amendment filed on September 8, 2004, as these documents have not been acknowledged in the outstanding Office Action. Thus, the herein amended Specification is believed to overcome these grounds for objection. Therefore, the Applicants respectfully request that these grounds for objection to the Specification on this basis be withdrawn.

## III. Rejection of Claims 1, 4-7, 11, and 14-17 under 35 U.S.C. § 102(b).

Claims 1, 4-7, 11, and 14-17 have been rejected, under 35 U.S.C. § 102(b), as being anticipated by Wilson (US 4,450,322). Independent Claims 1 and 11 are herein amended only insofar as to better describe the present invention by inserting the term "angularly" before the term "positioning." Dependent Claims 7 and 17 are herein amended only to conform antecedent basis. Dependent Claims 4-7 and 14-17 now subsume the limitations of their respectively amended base claims and any other intervening claims. Notwithstanding any amendment made herein to the claims for better describing the present invention, the Applicants hereby respectfully traverse these grounds for rejection of the claims on this basis.

With respect to Wilson, this cited reference merely teaches a speaker assembly comprising means for linear adjustment and calibration of the relative positions of the drivers (Abstract). Wilson's adjusting and calibrating means is limited to a purely *translational* adjustment and calibration of the drivers using an individual adjusting and calibrating mechanism for each driver which permits only linear adjustment relative to any other drive in the system

which may be “accomplished by adjusting the position of a mounting sub-assembly which supports the other drivers relative to the ‘fixed’ component” (col. 3, ll. 47-55; Fig. 6).

Specifically, Wilson teaches only translational (linear) movement of the drivers for improving the constructive interference patterns (col. 2, ll. 39-64). This linear or “ruler” configuration is further taught by Wilson as follows: “The upper mounting sub-assembly 21 rests upon an adjustable support 23 ...” (col. 4, ll. 17-18); “... the speaker assembly 11 ... is particularly adapted for *adjusting the various drivers generally fore and aft* relative to a critical listening point ...” [Emphasis added.] (col. 4, ll. 24-27); and “Referring to FIG. 6, the position of the woofer 13 relative to the other drivers in the system is *adjusted by sliding the mounting sub-assembly 21 along a calibrated track 23* ...” [Emphasis added.] (col. 4, l. 66 - col. 5, l. 2). Wilson specifically teaches phase alignment for each speaker element relative to any other speaker element by sliding a respective elongated rod 22.

In contrast to Wilson, the present invention comprises a purely *rotational* adjusting means, i.e., an entirely distinct mechanism and structure, and is fully disclosed in the originally filed Specification (para. 3, ll. 15-25; para. 9-10; para. 19, ll. 19-26) as well as in the originally filed drawings (Figs. 1-2) for angularly positioning the speakers as a unit. Each speaker in the present invention is not being adjusted relative to any other speaker. Rather, the entire row of speakers 10 or 11 is being rotated together, i.e., in concert, so to speak.

Further, Wilson teaches only a support base 12. Reiterating, the speaker components 15, 17, 19 do not rotate in relation to the support base 12. Distinctively, the present invention surround sound tower 10 or 11, having a row of speakers, is *both vertically disposed as well as angularly positioned* in relation to *a base plate 20 being horizontally disposed* (Figs. 1 and 2). The Applicants respectfully submit that Wilson does not teach the presently claimed elements: *a surround sound tower being vertically disposed; a base plate being horizontally disposed; and means for angularly positioning.*

Consequently, herein amended independent Claims 1 and 11 now respectively and positively recite the *angularly positioning means*:

1. **(amended)** A surround sound system, comprising:  
a surround sound tower being vertically disposed;  
a base plate being horizontally disposed; and

*means for angularly positioning the surround sound tower on the base plate, the surround sound tower being mounted on, and normal to, the angularly positioning means.* [Emphasis added.]

11. **(amended)** A surround sound method, comprising:  
*providing a surround sound tower being vertically disposed;*  
*providing a base plate being horizontally disposed; and*  
*providing means for angularly positioning the surround sound tower on*  
*the base plate, the surround sound tower being mounted on, and*  
*normal to, the angularly positioning means.* [Emphasis added.]

Thus, the Applicants respectfully submit that Wilson does not teach the subject matter of herein amended independent Claims 1 and 11 which are believed to overcome these grounds for rejection. As such, the Applicants believe that Wilson does not teach the subject matter of dependent Claims 4-7 and 14-17. Therefore, the Applicants respectfully request that these grounds for rejection of the claims on this basis be withdrawn and that Claims 1, 4-7, 11, and 14-17 be passed to allowance.

### **III. Rejection of Claims 2, 3, 10, 12, 13, and 20 under 35 U.S.C. §103(a).**

Claims 2, 3, 10, 12, 13, and 20 have been rejected, under 35 U.S.C. § 103(a), as being unpatentable over Wilson (US 4,450,322), in view of Fincham (US 4,139,734). Independent Claims 1, 10, and 11 are herein amended only insofar as has been described, *supra*. Claims 2 and 12 are herein amended to conform antecedent basis. Notwithstanding any amendment made herein to the claims for better describing the present invention, the Applicants hereby respectfully traverse these grounds for rejection of the claims on this basis.

As discussed, *supra*, Wilson merely teaches an adjusting and calibrating means being limited to a purely *translational* adjustment and calibration of the drivers using an individual adjusting and calibrating mechanism for each driver which permits only linear adjustment relative to any other drive in the system.

Similar to Wilson, Fincham merely teaches a pivoted loudspeaker system having each speaker disposed in an enclosure, wherein the enclosures are adjustable relative to one another. Again, the speakers are not being adjusted in concert: “The enclosure portions 14a and 15a are shaped such that the *drive units 14 and 15 are progressively stepped behind the vertical plane including the drive unit 11*” (col. 1, ll. 44-46). To note, speaker 11 does not rotate in relation to

any base plate nor even to its corresponding enclosure 11a (Fig. 1). Further, speakers 14 and 15 only move relative to speaker 11 (Fig. 1). While, the Fincham speakers do pivot, as noted by the Examiner, they do not actually rotate together in a surround sound tower.

In contrast to Wilson, even in view of Fincham, the present invention comprises a purely  
 5 *rotational* adjusting means, i.e., an entirely distinct mechanism and structure, and is fully disclosed in the originally filed Specification (para. 3, ll. 15-25; para. 9-10; para. 19, ll. 19-26) as well as in the originally filed drawings (Figs. 1-2) for angularly positioning the speakers as a unit. Each speaker in the present invention is not being adjusted relative to any other speaker. Rather, the entire row of speakers 10 or 11 is being rotated together, i.e., in concert, so to speak,  
 10 in the *same vertical plane* (Figs. 1-2).

Further, Wilson teaches only a support base 12 while Fincham does not teach, motivate, nor suggest a horizontal base plate. Reiterating, the speaker components 15, 17, 19 of Wilson do not rotate in relation to the support base 12. Likewise, the speaker components 11, 14, 15 of Fincham do not move in relation to any base plate as no such base plate is even taught,  
 15 motivated, nor suggested. Neither Wilson nor Fincham teach, motivate, nor suggest the presently claimed surround sound *tower*, inherently having all *the speakers disposed in the same vertical plane*. In fact, the Wilson and Fincham both teach against the present invention tower in that their speakers are respectively *translationally adjusted (inherently stepped* in Wilson) and *progressively stepped* (purposefully stepped in Fincham).

Patentably distinctively, the present invention surround sound *tower* 10, having a row of speakers, is *both vertically disposed* with all speakers being inherently in the same vertical plane *as well as angularly positioned* in relation to *a base plate 20 being horizontally disposed* (Figs. 1 and 2). The Applicants respectfully submit that Wilson, even in view of Fincham, does not teach, motivate, nor suggest the presently claimed patentably distinct combination of elements  
 20 as discussed, supra: *a surround sound tower being vertically disposed; a base plate being horizontally disposed; and means for angularly positioning*.

Consequently, herein amended independent Claims 1, 10, and 11 have recited the *relative dispositions of the tower with respect to the base plate* and now respectively and positively recite the *angularly positioning means*:  
 25

1. **(amended)** A surround sound system, comprising:  
*a surround sound tower being vertically disposed;*  
*means for angularly positioning the surround sound tower on the base*  
*plate, the surround sound tower being mounted on, and normal to,*  
*the angularly positioning means.* [Emphasis added.]
  
10. **(amended)** A surround sound system, comprising:  
*a surround sound tower being vertically disposed;*  
*a base plate being horizontally disposed;*  
*means for angularly positioning the surround sound tower on the base*  
*plate, the surround sound tower being mounted on the angularly*  
*positioning means,*  
 wherein the *angularly positioning means* comprises:  
     means for indicating an angular rotation of the surround sound  
     tower relative to the base plate; and  
     means for facilitating rotation of the angular rotation indicating  
     means, and  
 wherein the base plate comprises a plurality of angular indications,  
 wherein the surround sound tower comprises at least one feature selected  
     from a group consisting essentially of a center channel speaker  
     and a tweeter module;  
 a binding post disposed at a rear surface of the tower for both  
     electronically and mechanically the tower to the *angularly*  
     *positioning means;* and  
 means for indicating a sonic intensity. [Emphasis added.]
  
11. **(amended)** A surround sound method, comprising:  
*providing a surround sound tower being vertically disposed;*  
*providing a base plate being horizontally disposed; and*  
*providing means for angularly positioning the surround sound tower on*  
*the base plate, the surround sound tower being mounted on, and*  
*normal to, the angularly positioning means.* [Emphasis added.]

Thus, the Applicants respectfully submit that Wilson, even in view of Fincham, does not teach, motivate, nor suggest the subject matter of herein amended independent Claims 1 and 11 which are believed to overcome these grounds for rejection. As such, the Applicants believe that Wilson does not teach the subject matter of dependent Claims 2, 3, 10, 12, 13, and 20. Therefore, the Applicants respectfully request that these grounds for rejection of the claims on this basis be withdrawn and that Claims 2, 3, 10, 12, 13, and 20 be passed to allowance.

#### IV. Rejection of Claims 8, 9, 18, and 19 under 35 U.S.C. §103(a).

Claims 8, 9, 18, and 19 have been rejected, under 35 U.S.C. § 103(a), as being unpatentable over Wilson (US 4,450,322), in view of Shirasaki (JP 61020489). The claims are herein amended only insofar as has been described, supra. Notwithstanding any amendment made herein to the claims for better describing the present invention, the Applicants hereby respectfully traverse these grounds for rejection of the claims on this basis.

Reiterating, Wilson merely teaches an adjusting and calibrating means being limited to a purely *translational* adjustment and calibration of the drivers using an individual adjusting and calibrating mechanism for each driver which permits only linear adjustment relative to any other drive in the system.

Shirasaki has been cited in combination with Wilson as merely disclosing “means for indicating a sonic intensity.” For the reasons stated, supra, with respect to Wilson, as well as Wilson in combination with Fincham, the Applicants respectfully submit that Wilson, even in light of Shirasaki, does not teach, motivate, nor suggest the presently claimed patentably distinct combination of elements as recited in herein amended independent Claims 1 and 11, i.e., “a *surround sound tower being vertically disposed; a base plate being horizontally disposed; and means for angularly positioning the surround sound tower on the base plate, the surround sound tower being mounted on, and normal to, the angularly positioning means[,]*” notwithstanding any teaching regarding the lighting equipment 6 of Shirasaki.

Thus, the Applicants respectfully submit that Wilson, even in view of Shirasaki, does not teach, motivate, nor suggest the subject matter of herein amended independent Claims 1 and 11 which are believed to overcome these grounds for rejection. As such, the Applicants believe that Wilson does not teach the subject matter of dependent Claims 8, 9, 18, and 19. Therefore, the Applicants respectfully request that these grounds for rejection of the claims on this basis be withdrawn and that Claims 8, 9, 18, and 19 be passed to allowance.

## CONCLUSION

Accordingly, Replacement Informal Drawing Sheet 4/4 has been herewith submitted which corrects informalities. Paragraphs 9, 10, 14, 17-21, 25, and 28-32 of the Specification have been herein amended for informalities, antecedent basis, and consistency with the herewith filed Replacement Informal Drawing Sheet. Claims 1, 2, 7, 10, 11, 12, 17, and 20 have been herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the claims would have been allowable as originally filed. The remaining claims now subsume the features of their respective base and intervening claims. The Applicants believe that pending Claims 1-20 are patentably distinct from the cited references, are in allowable form, and overcome the grounds for rejection on the foregoing bases. Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. The Examiner is further cordially invited to telephone the undersigned for any reason which would advance pending claims to allowance.

Respectfully submitted,



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**AMENDMENT**

**In the Drawings:**     **Kindly accept the herewith submitted Replacement Informal Drawing Sheet 4/4. Figures 6, 7, and 9 are herein amended by deleting the cross-sectional indications. No new matter has been introduced.**